



DEPARTMENT OF VETERANS AFFAIRS  
Washington DC 20420

August 6, 2019

In Reply Refer To: 001B  
**FOIA Request: 19-03819-F**

Austin R. Evers  
Executive Director  
American Oversight  
1030 15<sup>th</sup> Street NW, Suite B255  
Washington, DC 20005  
[Foia@americanoversight.org](mailto:Foia@americanoversight.org)

This is the Initial Agency Decision (IAD) from the Office of the Secretary, U.S. Dept. Veterans Affairs (OSVA) to your Freedom of Information Act (FOIA) request received and dated January 30, 2019, and assigned FOIA tracking number **19-03819-F**. You requested

1. "All email communications between (1) Secretary Wilkie or his representatives and (2) the Office of Congressional and Legislative Affairs, regarding his nomination or the confirmation process.
2. All versions of Mr. Wilkie's responses to the questionnaire for the Senate Veterans' Affairs Committee in connection with his nomination and confirmation process, including the final questionnaire and all prior versions.
3. All email communications between Secretary Wilkie and anyone with email address ending in 'senate.gov.'

Please provide all responsive records from March 2, 2018, to July 24, 2018."

**IAD and Reasonable Searches Dated 5/24/19 & 8/6/19**

On May 24, 2019, the OSVA FOIA Officer requested that the VA OIT office provide all responsive emails, if any, within its possession. On June 6, 2019, the VA OIT office submitted all responsive emails, if any, to the OSVA FOIA office, with the OSVA FOIA office to conduct secondary searches.

On August 6, 2019, the OSVA FOIA Officer looked through the email boxes of Robert Wilkie with the date timeframe of March 2, 2018, to July 24, 2018, the requested search date timeframe. The OSVA FOIA Officer looked for any emails to, from, or copying domains ending in "senate.gov." The OSVA FOIA Officer separately searched through all emails with the stemmed key terms: 1) nomination, 2) confirmation, and 3) questionnaire.

Despite these two (2) separate, reasonable searches, the OSVA FOIA Officer found no responsive records. Thus, OSVA issues you a "no records" response. Even if the OSVA FOIA office found responsive records, such would likely be redacted with FOIA Exemption 2. 5 U.S.C. § 552(b)(2) exempts from disclosure information "related solely to the internal personnel rules and practices of an agency." The requested information likely relates solely to VA's internal personnel rules and practices regarding VA employee Robert Wilkie's nomination or confirmation process. His responses to the questionnaire are solely his own personal records, not necessary VA records, and do not appeared to have entered VA email servers.

**FOIA Mediation**

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not

affect your right to pursue litigation. Under the provisions of the FOIA Improvement Act of 2016, the following contact information is provided to assist FOIA requesters in resolving disputes:

**VA Central Office FOIA Public Liaison:**

Name: John Buck

Email Address: [vacofoiaservice@va.gov](mailto:vacofoiaservice@va.gov)

**Office of Government Information Services (OGIS)**

Email Address: [ogis@nara.gov](mailto:ogis@nara.gov)

Fax: 202-741-5769

Mailing address:

National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740-6001

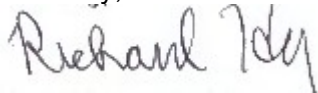
**FOIA Appeal**

This concludes OSVA's Initial Agency Decision to request **19-03819-F**. Please be advised that should you desire to do so, you may appeal the determination made in this response to:

Office of General Counsel (024)  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

If you should choose to file an appeal, please include a copy of this letter with your written appeal and clearly indicate the basis for your disagreement with the determination set forth in this response. Please be advised that in accordance with VA's implementing FOIA regulations at 38 C.F.R. § 1.559, your appeal must be postmarked no later than ninety (90) days of the date of this letter.

Sincerely,



Richard Ha, JD, CIPP/G  
OSVA FOIA Officer